

FOR IMMEDIATE RELEASE

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WASHINGTON-The United States Commission on International Religious Freedom is gravely concerned by this week's decision of the Vietnamese Appeals Court to keep human rights defenders and religious freedom advocates Nguyen Van Dai and Le Thi Cong Nhan behind bars and calls for their immediate and unconditional release. A Commission delegation was permitted to meet with the two lawyers in prison during its visit to Vietnam last month.

The Appeals Court on Monday reduced Dai's sentence from five to four years and Cong Nhan's sentence from four to three years. The reduced sentences mean that Dai and Cong Nhan will be eligible for amnesty sooner than they would be under the original sentences, though any releases are likely to be followed by "house arrest"; sentences of four and three years respectively.

Both lawyers were sentenced under Article 88 of the Vietnamese Criminal Code for "conducting propaganda against the Socialist Republic of Vietnam." The charges were applied because of their peaceful exercise of the universally guaranteed rights to freedom of expression, association, and freedom of thought, conscience and religion or belief. The alleged crimes included sending information abroad to human rights organizations, reportedly about the status of respect for these fundamental freedoms.

"The Commission is convinced that these two courageous young people should not be in prison. The Appeals Court verdict confirms that the Vietnamese government does not respect the internationally guaranteed rights available to individuals motivated by their religion or conscience to express views about freedom and reform, rights that are protected by

international human rights law and Vietnam's own Constitution," said Michael Cromartie, Chair of the Commission, who led the delegation to Vietnam.

The two rights defenders had been jailed since March at the Cau Dien Commune temporary detention facility outside Hanoi. During the prison visit, Commissioners learned that Dai and Cong Nhan were unable to receive needed medicines and requested religious materials. The Commission arranged for them to receive religious materials and prison authorities are now allowing needed medicine for Dai. During the visit, the Commission appealed for their unconditional release and was informed that an appeal was going to be heard.

Since the USCIRF delegation's return from Vietnam, the Commission has continued to press Vietnamese officials for the release of Dai and Cong Nhan.

"We are disappointed by the Appeals Court decision because we believed this was an opportunity for Vietnam's legal system to show its commitment to uphold international human rights obligations, including fair trial obligations, particularly since Vietnam was recently elected to a seat on the UN Security Council," Cromartie said.

Vietnam's implementation of its international human rights obligations under the International Covenant on Civil and Political Rights has been criticized by the UN Human Rights Committee as incompatible with the obligations of the convention. The result is that people in Vietnam who express views and write about human rights and democracy-and the freedoms required to fulfill them-have been arrested arbitrarily and sentenced to jail terms.

"We will continue to seek the immediate and unconditional release of both Nguyen Van Dai and Le Thi Cong Nhan, and call for the release of all Vietnamese human rights defenders who have been jailed under similar circumstances," Cromartie said. "We believe their peaceful monitoring of and advocacy for political reform, religious freedom, and other human rights strengthens rather than threatens the Vietnamese state."

The U.S. Commission on International Religious Freedom was created by the International Religious Freedom Act of 1998 to monitor the status of freedom of thought, conscience, and religion or belief abroad, as defined in the Universal Declaration of Human Rights and related international instruments, and to give independent policy recommendations to the President, the Secretary of State and the Congress.

Michael Cromartie

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